

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10361-NG
)	
JOHN HANDY)	

MOTION TO MODIFY CONDITIONS OF PRETRIAL RELEASE

Defendant, John Handy, moves this Court to modify his conditions of pretrial release to change his residence from 17 Prospect Ave., Brockton, MA, across the street to 18 Prospect Ave., Brockton, MA. Defendant also requests that U.S. Pretrial Services be given the discretion to allow defined periods of time off of house arrest so that he may seek employment. As grounds for this motion, the defendant through counsel states the following:

1. The defendant is charged by indictment with being a felon in possession of a firearm in violation of 18 U.S.C. 922(g).
2. He was initially ordered detained by the Magistrate Judge. On August 22, 2006, this Court allowed defendant's motion to revoke the detention order and released defendant on conditions that included maintenance of his residence his sister Jennis Handy's home at 17 Prospect Ave. in Brockton. Defendant was further ordered to remain at 17 Prospect Ave. except for defined periods during the day when he could stay at his mother's home across the street to assist her. Compliance was ordered to be enforced by electronic monitoring.
3. According to U.S. Pretrial Services, defendant has been compliant with all of the conditions of his release.
4. Notwithstanding defendant's compliance, however, U.S. Pretrial Services Officer Basil Cronin reports that defendant's residence at his sister's house has been the

subject of some interpersonal strife. Jennis Handy's long-time domestic partner has repeatedly voiced her annoyance with having defendant live with the couple, and has placed significant restrictions on what defendant may do and where he may do it. These restrictions, for example, sharply regulate when and how defendant may use the kitchen and the bathroom in the home. While defendant continues to be compliant with his conditions, the living situation in the home is not optimal.

5. At the August 22, 2006, release hearing, defendant argued that release to his mother Catherine Handy's home at 18 Prospect Ave. (rather than his sister's home across the street) was appropriate. Pretrial Services advocated release to Jennis Handy's home because of its concerns about Catherine Handy's mental status. While the Court ordered that defendant be released to Jennis Handy's home, it invited reconsideration of the living situation once defendant had demonstrated compliance.
6. Pretrial Services Office Basil Cronin has visited both homes and is available to report to the Court on his observations and recommendations as to the appropriateness of each of the homes.
7. Defendant also submits that his demonstrated compliance in the face of difficult circumstances shows a level of responsibility that would support increased privileges. Defendant therefore requests that Pretrial Services be granted the discretion to allow defendant discrete and defined periods of time off of electronic monitoring to seek employment.
8. Defendant therefore requests that he be permitted to change his residence to his mother's home across the street at 18 Prospect Ave., Brockton. All other conditions - including the unsecured bond and the assignment of Jennis Handy as third-party custodian - would remain the same.
9. The government, by and through Antoinette E. M. Leoney, reiterates its objection to the Court's decision to release defendant at all and further opposes defendant's request to modify the conditions of release. The government has requested a hearing before the Court prior to any change in the conditions of release.

JOHN HANDY
By His Attorney:

/s/ Timothy G. Watkins
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CERTIFICATE OF SERVICE

I, Timothy G. Watkins, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), as well as to U.S. Pretrial Services Officer Basil Cronin by electronic mail, on September 6, 2006.

/s/ Timothy G. Watkins
Timothy G. Watkins